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SUBJECT: AMBASSADOR RICE DISCUSSES G-77 AND ICC WITH SUDAN
PR

Classified By: Ambassador Susan E. Rice for reasons 1.4 (b) and (d).

¶1. (C) Summary: Ambassador Rice met with Sudanese Perm Rep Mohamad to discuss G-77 issues. Mohamad argued that more UN resources should be devoted to development and less to peacekeeping. Rice replied that both are essential. Mohamad raised the impending International Criminal Court (ICC) decision on the arrest warrant against President Bashir, and the Government of Sudan's (GOS) desire to engage in dialogue with the USG and avoid what Mohamad labeled as the confrontational stance of the prior administration. Rice noted that the US was open to dialogue, but that we would judge Sudan by its actions not its words. In particular, Rice said that the way Sudan handles the delicate period following an ICC decision would influence the nature of this dialogue. She reiterated that the US does not believe any actions the GOS has demonstrated thus far warrant Article 16 deferral of the ICC decision. Rice emphasized that regardless of the outcome of ICC decision, all parties must continue engagement in the peace processes and the U.S. and international community would continue to support these efforts. End Summary.

G-77 Priorities

¶2. (SBU) Ambassador Rice met with Sudanese Perm Rep Mohamad in his capacity as G-77 chair. She began the meeting by stressing the importance of the G77 and emphasizing our desire to work together to find common ground in the development area. Rice said that the Millennium Development Goals are America's goals and that we want to work with others to see them met. Mohamad said that Sudan was pleased to lead the G77 at this critical time. He said the 130-member group, which makes up the overwhelming majority of UN member states, is characterized by its unity and diversity. Mohamad mentioned several important meetings coming up, including the conference on the financial crisis and its impact on development, the UN conference on South-South cooperation in Nairobi, the ministerial meeting on water in Muscat, and the South Summit. He said the G77 looked forward to reaching consensus on all issues related to the economy and finance.

¶3. (SBU) Mohamad also highlighted the G77's focus on management and resource issues, saying that he values streamlining and efficient management of the UN. He said the UN spends a lot on security issues, such as peacekeeping, but little on development. The G77 is united in the view that development should be the UN's main priority, and they would like to see more resources spent on development and less on security. Rice noted that developing countries benefit the most from UN peacekeeping spending but pay very little of its budget. She went on to say that security and development are inextricably linked. Rice said it is not an either/or issue; investment must be made in both security and development. She continued by saying that the reality is that security requirements must be met, and she questioned whether most members of the African Group would want to see peacekeeping

missions abandoned.

Arguing for Article 16 Deferral

¶4. (C) Mohamad raised the possibility of Security Council deferral of International Criminal Court proceedings against Sudanese President Bashir under Treaty of Rome Article 16. He stressed that there have been many positive gains that are now threatened by ICC action. Urging US support for an Article 16 deferral, Mohamad proposed that the US and Sudan sit down and agree on benchmarks -- an action plan for this interim period. Ambassador Rice noted that since the July 2008 request for an arrest warrant, there had been ample time within which the GOS could demonstrate actions that could warrant consideration of a deferral. Rice reiterated that the US does not believe that an Article 16 deferral is warranted at this time.

¶5. (C) Mohamad said that indicting a sitting president would have disastrous effects: Sudan would be unable to deal with the outside world; indictment would send a negative signal to rebel groups, and calling into question the legitimacy of the government at such a sensitive time would irreparably harm prospects for peace. Rice said that, regardless of the outcome of the ICC decision, the U.S. would continue to engage in dialogue with Sudan. She stressed the U.S. expectation that the GOS would protect civilians, UN personnel and humanitarian workers. Rice cautioned that the US would pay close attention to how the GOS manages this delicate moment; all parties and the international community must refrain from inflaming the situation.

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¶6. (C) Mohamad said that the mere possibility of such inflammation was itself the reason why Article 16 is included in the Rome Statute. Rice asked what difference one year would make, noting that one year from now, the same issues would pertain. Moreover, Sudan would be facing the 2011 referendum. Mohamad responded that peace cannot be achieved through litigation, but only through reconciliation efforts, as was the case in South Africa. Rice said that the ICC is a neutral, fact-based body, and the international community demands accountability for crimes like genocide. She noted that current Sudanese government officials who have been indicted by the ICC remain at large in Sudan, undermining international confidence in the GOS' willingness to provide accountability in its domestic judicial system.

The Bilateral Relationship

¶7. (C) Mohamad stressed the importance of bilateral engagement between Sudan and the US, and indicated that Sudan views the election of President Obama as a transformational opportunity. He emphasized that Sudan wants to normalize relations with the U.S. and engage in a dialogue. Mohamad said that Sudan needs support in order to achieve peace in Darfur with the rebels. Ambassador Rice stressed that the US believes dialogue and cooperation in other realms can be fruitful. However, we will be influenced more by actions than words.

¶8. (C) Mohamad asked for the US to make a statement in support of the Doha talks being led by UN/AU Joint Mediator Djibril Bassole between the Justice and Equality Movement and the GOS. Rice said that the US supports Bassole and his efforts, whether these efforts occur in Doha or elsewhere. She noted that the US had supported Council efforts to issue a Presidential Statement (PRST) that would have expressed this support, along with acknowledging the facts on the ground. Mohamad responded that condemning the parties that were attempting to negotiate in Doha would have prejudiced the peace process. Rice said that the Council must speak the

truth, and noted that two briefings from the Secretariat had established both parties were to blame.
Rice